
THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENERGY RESOURCES
100 CAMBRIDGE STREET, SUITE 1020
BOSTON, MA 02114
[HTTP://WWW.MASS.GOV/DOER](http://www.mass.gov/doer)



Massachusetts Energy Efficiency Advisory Council Process Assessment Consulting Services

RFR-ENE-2015-011

ISSUED: AUGUST 28, 2014

DEPARTMENT OF ENERGY RESOURCES

MEG LUSARDI, ACTING COMMISSIONER

I. INTRODUCTION AND PURPOSE OF PROCUREMENT

A. Agency Overview and Goals

The Massachusetts Department of Energy Resources (“DOER”) is a state agency whose mandate is to analyze and develop policies and programs to ensure that Massachusetts citizens have adequate, diverse energy supplies, at a reasonable cost, with a minimal impact on the environment. To that end, the DOER strives to create a cleaner energy future for the Commonwealth, economically and environmentally, including:

- Accelerating the deployment of cost-effective energy efficiency,
- Increasing the development of greener energy resources,
- Implementing strategies to assure reliable supplies and improve the cost of clean, energy relative to fossil-fuel based generation, and
- Supporting Massachusetts clean energy companies and spurring Massachusetts clean energy employment.

B. Background

The Massachusetts Energy Efficiency Advisory Council (“EEAC”) was created when Governor Patrick signed into law the Green Communities Act of 2008. The EEAC members guide the development of nation-leading energy efficiency plans by the state’s investor-owned gas and electric utilities and energy efficiency providers and monitor the implementation of these plans. The EEAC is also charged with developing a longer term vision for the Commonwealth’s energy future. In making recommendations concerning studies and research, the EEAC works toward achieving the goal of acquiring all energy efficiency savings that are less expensive than traditional generation and maximizing the economic and environmental benefits that can be realized through a sustained and integrated statewide energy efficiency effort.

The EEAC is composed of representatives from organizations and interests that are named in the enabling legislation. EEAC members have several responsibilities that include participating regularly in EEAC meetings, contributing their knowledge and expertise to the best of their abilities, participating in EEAC processes and discussions, including any committee processes set up by the EEAC, and vote, according to their best judgment, in such a way as to enable the Commonwealth to achieve the efficiency mandates of the Green Communities Act. The full EEAC typically meets once per month in the Boston area. There is also an EEAC Executive Committee that includes DOER, which holds a separate meeting, also once per month in the Boston area.

The next EEAC planning process for the 2016-2018 Joint Three-Year Electric and Gas Energy Efficiency Plans (“2016-2018 Three-Year Plans”) will begin early in 2015, with draft 2016-2018 Three-Year Plans to be submitted to the EEAC by April 30, 2015 and final 2016-2018 Three-Year Plans to be submitted to the Department of Public Utilities by October 31, 2015. As chair of and procurement agent for the EEAC, the DOER seeks to procure consulting services to: (1) conduct an assessment of the current EEAC processes and councilor priorities; (2) review the current EEAC

processes to carry out its role outlined in legislation; and (3) develop a strategic engagement plan for consideration of the EEAC to identify the process by which the EEAC will provide input, review, and comment upon the 2016-2018 Three-Year Plans.

Pursuant to Article 10¹ of the EEAC By-Laws, DOER is conducting this procurement on behalf of the EEAC. DOER will coordinate with and seek approvals from the EEAC and the EEAC Executive Committee as necessary during this contract.

C. PROCUREMENT CALENDAR

DOER Issues Request for Responses (RFR)	August 28, 2014
Deadline for Submitting Questions	September 8, 2014
DOER Answers to Questions Posted	September 10, 2014
RFR Response Due	September 12, 2014 3:00 PM
Execution of Contract with DOER*	September 17, 2014

* Dates after RFR Response Due date are anticipated dates. All dates are subject to change.

¹ 10.03 Procurement

The Council shall use the Department of Energy Resources as a procurement agency.

II. PROCUREMENT AND CONTACT INFORMATION

A. Type of Procurement

This RFR is commodities and services procurement, governed by 801 CMR 21.

B. Use of this Procurement by Single or Multiple Departments

This RFR is for single department procurement. All contracts awarded under this RFR will be utilized solely by the DOER on behalf of the EEAC.

C. RFR Distribution Method

This RFR has been distributed electronically using the Comm-Buys system and the DOER Website at www.mass.gov/doer. It is the responsibility of every potential respondent to check Comm-Buys for any addenda or modifications to an RFR to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to respondents who fail to check for amended RFRs or submit inadequate or incorrect responses. Potential respondents are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a response to ensure they have the most recent RFR files.

Respondents may not alter RFR language or any RFR component files. Those submitting a proposal must respond in accordance to the RFR directions and complete only those sections that prompt a respondent for a response. Modifications to the body of this RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited. Any unauthorized alterations will disqualify a response.

D. Massachusetts Public Records Law

All proposals and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., Chapter 66, Section 10, and to Chapter 4, Section 7, Subsection 26. Any statements in submitted proposals that are inconsistent with these statutes shall be disregarded.

E. Total Anticipated Duration of Contract

The Initial Contract Duration for this RFR is through November 28, 2014, with the option to extend for a period of time up to June 30, 2015 at the sole discretion of the DOER working with the EEAC.

F. Total anticipated Value of Contract

Estimated Value of this procurement is \$30,000.

G. Contract expansion

If additional funds become available during the contract duration period, then the DOER, working with the EEAC, reserves the right to increase the maximum obligation to the contract executed as a result of this RFR-ENE-2015-011, subject to available funding.

H. Questions and Answers

All questions must be submitted to the DOER via Maggie McCarey by email at maggie.mccarey@state.ma.us.

Questions and answers will be periodically posted on the Massachusetts DOER website and finalized on September 10, 2014.

I. Contact Information

Responses to this RFR will be received by:

Procurement Contact:	Maggie McCarey Department of Energy Resources 100 Cambridge Street, Suite 1020 Boston, MA 02114
Telephone:	(617) 626-7362
E-mail:	maggie.mccarey@state.ma.us
RFR Name:	Massachusetts Energy Efficiency Advisory Council Process Assessment Consulting Services
RFR File Number:	RFR-ENE-2015-011

All questions and answers will be posted periodically on the DOER Grants and Contracts Webpage at <http://www.mass.gov/eea/grants-and-tech-assistance/guidance-technical-assistance/agencies-and-divisions/doer/doer-procurements.html> and will be finalized on September 10, 2014.

III. PERFORMANCE AND CONTRACT SPECIFICATIONS

A. Scope of Work

As chair of the EEAC, the DOER is seeking a consultant to:

1. Conduct an assessment of the EEAC, including the EEAC meeting structure and effectiveness, the decision-making processes used to identify and to address EEAC priorities, areas for streamlining processes, and opportunities for increasing stakeholder engagement,
2. Develop and execute a process for the EEAC councilors to identify priorities for the 2016-2018 Three-Year Plans, and
3. Using information gathered from items 1 and 2 above, develop a strategic engagement plan that includes a recommended schedule and work plan for the process by which the EEAC

will provide input on the 2016-2018 Three-Year Plans. The strategic engagement plan should identify refined approaches to address key EEAC priorities and may also include items such as the creation of sub-committee work groups, refined EEAC meeting format or schedule, and other such recommendations to improve the functionality of the EEAC.

B. Tasks

To that end, the consultant will perform the following tasks:

1. **Meet regularly** with the EEAC Executive Committee, including an initial kick-off meeting and refinement of the scope and process for this assessment. Thereafter, the Consultant will meet with the EEAC Executive Committee once every two weeks to provide progress updates and present draft findings and recommendations. Additional conference calls will be arranged on an as needed basis.
2. **Review EEAC process**, including observation of the EEAC monthly meeting (three hours) and the EEAC Executive Committee meeting (one hour) as well as reviewing agendas and documentation associated with past EEAC meetings.
3. **Conduct Interviews** with up to 27 voting and non-voting EEAC councilors to identify streamlining opportunities, opportunities to increase councilor engagement and priorities associated with the EEAC and the three-year planning process.
4. **Document findings** in a final report provided to the EEAC Executive Committee in the form of a narrative report and PowerPoint, including the results of # 1 through #3 above.
5. **Prepare a strategic engagement plan** in the form of a narrative report and PowerPoint, laying out a plan for engagement of EEAC members and stakeholders to address the key issues and priorities identified in the assessment.
6. Upon submission of the final strategic engagement plan and pending available funding, DOER, in coordination with the EEAC and Executive Committee, may extend the contract duration and approve an expanded Work Plan and budget for the selected Consultant to provide additional consulting services through **facilitation of some or all of the strategic engagement plan**.

C. DOER's Responsibility

As chair and procurement agent of the EEAC, the DOER, working with the advice of the EEAC Executive Committee, will be responsible for overseeing and managing the contract, including, but not limited to, coordinating with the EEAC Executive Committee, responding to questions or issues raised by the selected consultant, paying invoices promptly, and providing the EEAC Executive Committee's written comments and approval of the work plan and deliverables to the selected consultant.

D. EEAC Executive Committee Responsibility

The EEAC Executive Committee will be responsible for overseeing all tasks undertaken by the selected consultant, including but not limited to finalizing a Work Plan, and reviewing reports, budget, and deliverables.

E. Consultant's Responsibility

The selected consultant will be responsible for timely completion of the requirements described above. The selected consultant must assume overall responsibility for coordinating and completing all deliverables contained in the resultant contract.

IV. DELIVERABLES, OWNERSHIP, REPORTING AND INVOICING

A. Deliverables

Key deliverables to be completed by the selected consultant include:

- **Final assessment report** setting forth its findings of the current EEAC process, the EEAC priorities, and opportunities for enhancements to the stakeholder engagement processes.
- **Draft strategic engagement plan** for consideration of the EEAC, including a work plan and timeline for addressing key issues and priorities for the 2016-2018 Three-Year Plans.
- **Final strategic engagement plan**, including a work plan and timeline for addressing key issues and priorities for the 2016-2018 Three-Year Plans.
- Should the EEAC approve and choose to move forward with facilitation of some or all of the strategic engagement plan as outlined in task 6 above, the EEAC Executive Committee and the selected Consultant shall establish a work plan with specific tasks and budget breakdown for the facilitation phase, which shall include **additional deliverables** as agreed upon by the EEAC Executive Committee and the selected Consultant.

The selected consultant must submit key deliverables to the EEAC Executive Committee and present each deliverable to the EEAC.

B. Ownership of Deliverables

All deliverables including, but not limited to, those listed above shall be owned by the Commonwealth of Massachusetts. The DOER will abide by the restrictions on the re-distribution of the subscription information as agreed upon with the winning consultant.

C. Reporting

The selected consultant will be required to provide the DOER and EEAC Executive Committee with a weekly update, via email, documenting project progress and timely notification of any issues concerning meeting the requirements set forth in the work plan, including, but not limited to, the schedule.

D. Invoicing

All invoices must be submitted to the DOER monthly in a format to be agreed upon by the DOER and the selected consultant. Invoices shall include sufficient back-up documentation to support the amount being invoiced, including a breakdown of hours worked per person by the tasks set forth in section III.B. above.

V. SUBMISSION REQUIREMENTS

A. Proposals

Proposals must be received by Maggie McCarey at the DOER by 3:00 pm on September 12, 2014. Late responses will not be accepted. All correspondence and filings submitted to the DOER shall be directed to the Procurement Contact.

Proposals must include:

- A narrative, not to exceed eight (8) pages, describing their proposed approach, qualifications, and experience (the page limit does not include resumes, schedule of activities, or a cost proposal).
- A schedule of activities, including key milestones and outcomes for the project. The schedule shall define a clear timeline for achieving the project objectives, with a final strategic engagement plan to be complete by November 19, 2014.
- A cost proposal, broken out by task, staff person, and hourly rate.

Proposals that include partnerships must designate one party as the lead consultant and identify the team of subcontractors (collectively referred to as consultants).

B. Withdrawal or Modification of Proposal Package

A Respondent may withdraw or modify its Proposal by written request at any time prior to the RFR submission deadline. Telephonic submittals, amendments, or withdrawals will not be accepted.

Negligence on the part of the Respondent in preparing the Proposal confers no rights for the withdrawal of the Proposal after it has been opened.

No responsibility will attach to an officer or person for the premature opening of a Proposal not properly addressed and identified.

Any Respondent taking exception to, or questioning any of the provisions, procedures, conditions or specifications herein stated should make such exceptions known through the question submittal process outlined in the Procurement Calendar.

It is the Respondent's responsibility to regularly check Comm-BUYS for any updates or changes to this RFR.

VI. EVALUATION AND AWARD

A. Process

The DOER and the EEAC Executive Committee will review the submitted proposals and may conduct an interview process. The DOER and EEAC Executive Committee reserves the right to select no respondents if the responses do not meet a sufficient standard based on the evaluation criteria. The DOER and EEAC Executive Committee reserves the right to waive any technical defect or informality in proposals received or to allow the Respondent to correct them, and to accept or reject any proposal or portion thereof. The DOER and EEAC Executive Committee reserves the right to seek additional information from any and all respondents including but not limited to requests for clarifications and interviews.

B. Evaluation Criteria

All proposals received by the due date and meeting the requirements established in this RFR will be reviewed and evaluated by the DOER and EEAC Executive Committee in accordance with, but will not be limited to, the following criteria:

- **Completeness and clarity of the proposal:** Respondent presents a plan of approach to achieve end deliverables that is very logical, well thought through, takes into consideration all participants, and fully addresses all elements stated in the RFR.
- **Respondent's experience with similar projects:** Respondent has demonstrated experience working on projects of a similar type, including previous consulting work for government agencies, background and experience with the Massachusetts energy efficiency market and the EEAC process, and previous experience with similar facilitation and stakeholder process evaluation
- **Pricing:** Respondent presents a reasonable budget with expected hours of work broken down by major tasks

C. Respondent Selection and Contract Execution

All respondents will be notified in writing of the DOER and EEAC Executive Committee's selection decision. The DOER and EEAC Executive Committee reserves the right to reject any requested changes identified by the respondent if not previously agreed upon during the response review and interview process. If an acceptable contract cannot be reached with the respondent within 30 days of the written applicant selection notification, the DOER and EEAC Executive Committee may withdraw its selection of the respondent.

VII. Other Terms

A. Reporting

The selected consultant is responsible for compliance with all other contract reporting requirements including, but not limited to, Supplier Diversity Program (SDP) and other contract reports, as required by this contract.

B. Security and confidentiality

The selected consultant shall comply fully with all security procedures of the Commonwealth and all other applicable state, local and federal agencies in performance of the contract. The selected consultant shall not divulge to third parties any confidential information obtained by the selected consultant or its agents, distributors, resellers, subcontractors, officers or employees in the course of performing contract work, including, but not limited to, security procedures, business operations information, personally identifiable information, or commercial proprietary information in the possession of the Commonwealth Agency.

C. Audit

During the term of this Agreement and for a period of six years thereafter, the DOER, its auditors, the Operational Services Division, the Office of the Inspector General or other authorized representatives shall be afforded access at reasonable times to the consultant's accounting records, including sales information on any system, reports or files, in order to audit all records relating to goods sold or services performed pursuant to this Agreement. If such an audit indicates that the consultant has materially overcharged the DOER, then the consultant shall remit the overcharged amount and be responsible for payment of any costs associated with the audit.

APPENDIX A

GENERAL PROCUREMENT INFORMATION

ACCESS TO SECURITY-SENSITIVE INFORMATION

Bidders agree to adhere to this section in the event that an eligible entity provides a Contractor with security-sensitive information which, pursuant to MGL c. 4, § 7, cls. 26(n), is generally exempt from public disclosure under the Commonwealth's public records laws and must, for public safety purposes, be safeguarded from widespread public disclosure. This security-sensitive information is in the form of blueprints, plans, policies, procedures, schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, and/or any other records relating to the security or safety of persons (pursuant to [MGL c. 66A](#)) or buildings, structures, facilities, utilities, transportation, information technology or other infrastructure located within the Commonwealth. Qualified prospective Bidders that are interested in accessing this information for the purpose of preparing a bid Response must, before being allowed to access the information, sign a confidentiality agreement, thereby agreeing to:

- i. restrict the use of these sensitive records for any other purpose than as authorized and for the purpose of putting together a bid proposal;
- ii. safeguard the information while it is in their possession (consistent with Section 6 of the Commonwealth Terms and Conditions); and
- iii. return such records and materials to the Commonwealth upon completion of the project.

ALTERATIONS

Bidders may not alter (manually or electronically) the Solicitation language or any Solicitation component files, except as directed in the RFR. Modifications to the body of the Solicitation, specifications, terms and conditions, or which change the intent of this Solicitation are prohibited and will disqualify a Response.

OWNERSHIP OF SUBMITTED RESPONSES

DOER shall be under no obligation to return any Responses or materials submitted by a Bidder in response to this RFR. All materials submitted by Bidders become the property of the Commonwealth of Massachusetts and will not be returned to the Bidder. The Commonwealth reserves the right to use any ideas, concepts, or configurations that are presented in a Bidder's Response, whether or not the Response is selected for Contract award.

PROHIBITIONS

Bidders are prohibited from communicating directly with any employee of the procuring Department or any member of the MassDOER procurement team regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person using the contact information provided in the "Issuers" tab for this Solicitation in the event that this RFR is incomplete or information is missing. Bidders experiencing technical problems accessing information or attachments stored on Comm-BUYS and/or DOER should contact the Comm-Buys Help Desk or notify Maggie McCarey directly.

In addition to the certifications found in the Commonwealth's Standard Contract Form, by submitting a Bid Response, the Bidder certifies that the Response has been arrived at independently and has been submitted without any communication, collaboration, or without any agreement, understanding or planned common course or action with, any other Bidder of the commodities and/or services described in the RFR.

TERMS AND REQUIREMENTS PERTAINING TO AWARDED CONTRACTS

COMMONWEALTH TAX EXEMPTION

Payment vouchers or invoices submitted to Massachusetts government entities must not include sales tax.

CONTRACTOR'S CONTACT INFORMATION

It is the Contractor's responsibility to keep the Contractor's Contract Manager information current. If this information changes, the Contractor must notify the Contract Manager by email immediately, using the address located on the Contract's "Issuer(s)" tab in the "Contact Information" section.

The Commonwealth assumes no responsibility if a Contractor's designated email address is not current, or if technical problems, including those with the Contractor's computer, network or internet service provider (ISP), cause e-mail communications between the Bidder and the PMT to be lost or rejected by any means including email or spam filtering.

PUBLICITY

Any Contractor awarded a contract under this RFR is prohibited from selling or distributing any information collected or derived from the Contract, including lists of participating Entities, Commonwealth employee names, telephone numbers or addresses, or any other information except as specifically authorized by the PMT.

REQUIRED SPECIFICATIONS

In general, most of the required contractual stipulations are referenced in the *Standard Contract Form and Instructions* and the *Commonwealth Terms and Conditions* (either version). However, the following RFR provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00:

The terms of *801 CMR 21.00: Procurement of Commodities and Services* (and *808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services*, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

Supplier Diversity Program (SDP). Massachusetts Executive Order 524 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs) that resulted in the Supplier Diversity Program in Public Contracting. M/WBEs are strongly encouraged to submit responses to this RFR, either as prime vendors, joint venture partners or other type of business partnerships. All bidders must follow the requirements set forth in the SDP section of the RFR, which will detail the specific requirements relating to the prime vendor's inclusion of M/WBEs. Bidders are required to develop creative initiatives to help foster new business relationships with M/WBEs within the primary industries affected by this RFR. In order to satisfy the compliance of this section and encourage bidder's participation of SDP objectives, the Supplier Diversity Program (SDP) Plan for large procurements greater than \$150,000 will be evaluated at 10% or more of the total evaluation. Once an SDP Plan is submitted, negotiated and approved, the agency will then monitor the contractor's performance, and use actual expenditures with SDO certified contractors to fulfill their own SDP expenditure benchmarks. M/WBE participation must be incorporated into and monitored for all types of procurements regardless of size; however, submission of an SDP Plan is mandated only for large procurements over \$150,000.

- This RFR will contain some or all of the following components as part of the Supplier Diversity Program Plan submitted by bidders:
- Sub-contracting with certified M/WBE firms as defined within the scope of the RFR,
- Ancillary use of certified M/WBE firms,
- Growth and Development activities to increase M/WBE capacity,

All certified businesses that are included in the bidder's SDP proposal are required to submit an up to date copy of their certification letter. For further information on SDO certification, contact the Supplier Diversity Office at (617) 502-8831 or via the Internet at www.mass.gov/sdo. Other resources are available to M/WBE firms that may qualify for SDO certification at www.mass.gov/sdp.

Supplier Diversity Program Subcontracting Policies. Prior approval of the agency is required for any subcontracted service of the contract. Agencies may define required deliverables including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) for the purpose of monitoring and enforcing compliance of subcontracting commitments made in a bidder's Supplier Diversity Program (SDP) Plan. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors.

Best Value Selection and Negotiation. The Procurement Management Team (PMT) may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The PMT and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

The Commonwealth accepts no responsibility and will provide no accommodation to Bidders who submit a Response based on an out-of-date Solicitation or on information received from a source other than Comm-BUYS or the DOER website.

Costs. Costs which are not specifically identified in the bidder's response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not

be responsible for any costs or expenses incurred by bidders responding to this RFR.

Small Business Procurement This is a small procurement targeted to small businesses participating in the Commonwealth's Small Business Purchasing Program (SBPP). EEA intends to evaluate bid responses from and to award a contract to a SBPP-participating business(es) who submit a bid that meets or exceeds the solicitation criteria only. If determined that there is inadequate SBPP capacity, or no SBPP-participating vendors provide a responsive bid, the Department will evaluate and award bid responses received from non-SBPP businesses. To determine eligibility and to participate in the SBPP, please review the requirements and general program information at www.mass.gov/sbpp.

Environmental Response Submission Compliance. In an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all responses submitted should comply with the following guidelines:

- All copies should be printed double sided.
- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e. paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the response.
- Unless absolutely necessary, all responses and copies should minimize or eliminate use of non-recyclable or non re-usable materials such as plastic report covers, plastic dividers, vinyl sleeves and GBC binding. Three ringed binders, glued materials, paper clips and staples are acceptable.
- Bidders should submit materials in a format which allows for easy removal and recycling of paper materials.
- Bidders are encouraged to use other products which contain recycled content in their response documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Where appropriate, bidders should note which products in their responses are made with recycled materials.
- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

Minimum Bid Duration. Bidders responses/bids made in response to this RFR must remain in effect for at least 90 days from the date of bid submission.

Prompt Payment Discounts (PPD). All bidders responding to this procurement must agree to offer discounts through participation in the Commonwealth Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments, unless the bidder can provide compelling proof that it would be unduly burdensome. PPD benefits both contractors and the Commonwealth. Contractors benefit by increased, usable cash flow as a result of fast and efficient payments for commodities or services rendered. Participation in the Electronic Funds Transfer initiative further maximizes the benefits with payments directed to designated accounts, thus eliminating the impact of check clearance policies and traditional mail lead time or delays. The Commonwealth benefits because contractors reduce the cost of products and services through the applied discount. Payments that are processed electronically can be tracked and verified through the Comptroller's Vendor Web system. The PPD form can be found under the Forms and Terms tab of this solicitation.

Bidders must submit agreeable terms for Prompt Payment Discount using the PPD form within their proposal, unless otherwise specified by the DOER. The DOER will review, negotiate or reject the offering as deemed in the best interest of the Commonwealth.

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts

Public Records Law, M.G.L., c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Reasonable Accommodation. Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case by case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the RFR. The DOER reserves the right to reject unreasonable requests.

Restriction on the Use of the Commonwealth Seal. Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.